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Attorneys for Respondents

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

SAMIH HUSSEIN ZABADI,  
 Petitioner,  
 v.  
 MICHAEL CHERTOFF, in his Official  
 Capacity, Department of Homeland  
 Security; ALBERTO GONZALES, in his  
 Official Capacity, Attorney General,  
 Department of Justice; and NANCY  
 ALCANTAR, Field Office Director, San  
 Francisco, CA, U.S. Bureau of  
 Immigration and Customs Enforcement,  
 Respondents.

No. C 05-1796-WHA

STIPULATION AND ~~PROPOSED~~ ORDER  
 APPROVING COMPROMISE SETTLEMENT  
 OF ATTORNEY FEES AND COSTS  
 PURSUANT TO THE EQUAL ACCESS TO  
 JUSTICE ACT

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
 subject to approval by the Court, the following:

1. The respondents shall pay the sum of Thirty Thousand Dollars and no cents (\$30,000) in  
 settlement of the petitioner's motion for attorney's fees and costs under the Equal Access to  
 Justice Act ("EAJA") filed in *Zabadi v. Chertoff*, C-05-1796-WHA, and in settlement of any  
 motion for attorney's fees and costs the petitioner could bring in *Zabadi v. Chertoff*, C-05-3335-  
 WHA. The check is to be payable to Petitioner's counsel:

Marc Van Der Hout  
Van Der Hout, Brigagliano & Nightingale, LLP  
180 Sutter Street, Fifth Floor  
San Francisco, CA 94104  
Tel: 981-3000; Fax: 981-3003

2. This is a settlement of petitioner's request for attorney fees and costs in this case, as well as any request for attorney's fees and costs the petitioner could file in *Zabadi v. Chertoff*, C-05-3335-WHA. It does not constitute an admission of liability or fault on the part of the respondents or a concession as to the propriety and amount of fees and costs. This agreement is entered into by the parties for the purpose of compromising the request for fees and costs and avoiding the expense and risk of further litigation.

3. The payment of \$30,000 will constitute a full and complete release from and bar to any and all claims, rights, causes of action, liens or subrogated interests relating to *Zabadi v. Chertoff*, C-05-1796-WHA or *Zabadi v. Chertoff*, C-05-3335-WHA.

4. The payment may take sixty days or more to process, but the respondents agree to make good faith efforts to expeditiously process said payment.

5. Within 14 days of receipt of payment, the petitioner will withdraw the motion for attorney's fees and costs.

6. The Court retains jurisdiction to enforce the terms of this settlement agreement. until Dec. 31, 2006.

7. The parties shall appear before the Court for a status conference on payment at 11. A.M., Thursday, June 15, 2006.

Dated: May 16, 2006

/s/  
MARC VAN DER HOUT  
Van Der Hout, Brigagliano and Nightingale  
Attorney for Petitioner

KEVIN V. RYAN  
United States Attorney

Dated: May 16, 2006

/s/  
EDWARD A. OLSEN  
Assistant United States Attorney

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: May 18, 2006

